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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

JUN 23 2005

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/998,041
		Filing Date	November 15, 2001
		First Named Inventor	Botstein, et al.
		Group/Art Unit	1647
		Examiner Name	Wegert, Sandra
Total Number of Pages in This Submission		Attorney Docket Number	39780-2730P1C34

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment / Response <input checked="" type="checkbox"/> Amendment / Response (to Office Communication) <input type="checkbox"/> Version with Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px;">stamped return postcard; copy of PTO Office Communication</div>
Remarks		

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER (39780-2730P1C34).

### SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	DAPHNE REDDY, REG. NO. 53,507, HELLER EHRLMAN WHITE & McAULIFFE LLP		
Signature			
Date	JUNE 23, 2005	Customer Number:	35489

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6-27-05

ERD 1647

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Botstein, et al. Docket No.: 39780-2730P1C34  
Serial No.: 09/998,041 Group Art Unit: 1647  
Filing Date: November 15, 2001 Examiner: Wegert, Sandra L.  
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND  
NUCLEIC ACIDS ENCODING THE SAME**  
Express Mail Label No.: EL 993 637 707 US  
Mailing Date: JUNE 23, 2005

AMENDMENT AND RESPONSE**MS: AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This amendment is prepared in response to the communication sent on May 31, 2005 regarding the above-referenced application. As indicated in the previous response, Applicants maintain that they wish to pursue at least one patentable utility for the instantly claimed nucleic acids based on the assay exemplified in Example 158, page 530 of the instant specification, namely: "Inhibition of glucose or FFA (free fatty acids) uptake by adipocyte cells" and this was also the basis for the recent telephone conference between Examiner Wegert and Daphne Reddy on June 14, 2005. Applicants retain the marked-up version of the previously amended claims for clarity and request that the present amendments be considered and entered for the record and that the response of March 10, 2005 be disregarded.

**Amendments to the Claims** are reflected in the listing of claims that begins on page 2 of this paper.

**Remarks/Arguments** begin on page 3 of this paper.